

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

MINUTES OF PROCEEDINGS

BEFORE HONORABLE FRANCISCO A. BESOSA

COURTROOM DEPUTY: Gladys Romañach DATE: July 2, 2013

COURT REPORTER: Joe Reynosa Cr. No.: 12-759-01(FAB)

COURT INTERPRETER: Edna Brayfield
CONTRACT INTERPRETER: Tom Kavelin

Attorneys:

UNITED STATES OF AMERICA

Amanda Soto
Max Perez-Bouret

v.

1 - LUIS A. GUZMAN-BATISTA

Sulay Rios
Carlos Vazquez

CASE CALLED FOR DE NOVO HEARING. The testimony of defendant's witness, Ada Batista, was taken as a proffer, Government had no objection. The testimony of defendant's witness, Yashira Silva-Gonzalez (assisted by the court interpreter) was heard.

The testimonies of Government's witnesses, Agent Hector Rivera-Torres (assisted by the contract interpreter) and Agent Vladimir Gonzalez, were heard.

As a rebuttal witness for the defendant, the testimony of Frances Rivas, was heard.

After hearing the testimony of the witnesses, the arguments of the parties, and reviewing the evidence presented, the Court ruled as follows:

- On October 9, 2012, defendant had violated the conditions imposed by the state court order and was outside his residence;
- Whether he was within the perimeter established by the Commonwealth pretrial office (OSAJ) or outside the perimeter for less than the 6-minute

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grace period is of no consequence; the perimeter established by OSAJ is an administrative measure to prevent congestion of the system;

- There was probable cause for a search to defendant's house, based on the agent's observation of a weapon in possession of defendant;
- The Magistrate Judge's report and recommendation is rejected and the evidence seized the day of the defendant's arrest is not suppressed and is allowed to be presented.

An order will follow with a motion for change of plea hearing deadline and trial date.

s/Gladys Romañach
Courtroom Deputy Clerk

Exhibits admitted:

Govt.'s 1 and 2

Deft.'s A, B, C and D